

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
NICHOLAS KIRBY	:	VIOLATIONS:
	:	18 U.S.C. § 922(a)(1)(A) (dealing in
	:	firearms without a license – 1 count)
	:	18 U.S.C. § 922(g)(1) (possession of a
	:	firearm by a felon – 4 counts)
	:	21 U.S.C. § 841(a)(1), (b)(1)(C)
	:	(distribution of Fentanyl – 5 counts)
	:	21 U.S.C. § 841(a)(1), (b)(1)(C)
	:	(possession with intent to distribute
	:	Fentanyl – 1 count)
	:	Notices of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

From on or about January 25, 2022, to on or about March 14, 2022, in Philadelphia and Feasterville, in the Eastern District of Pennsylvania, and elsewhere, defendant

NICHOLAS KIRBY

willfully engaged in the business of dealing in firearms without being licensed to do so under the provisions of Chapter 44, Title 18, United States Code.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 25, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY,

knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, an Anderson Manufacturing, model AM-15, 5.56 caliber semi-automatic rifle, bearing serial number 19241889, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 26, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY,

knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is at least one of the following: an Anderson Manufacturing, model AM-15, 5.56 caliber semi-automatic rifle, bearing serial number 16252638; and a Palmetto State Armory, model PA-15, 5.56 caliber semi-automatic rifle, bearing serial number SCD305580, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 2, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY

knowingly and intentionally distributed a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (“fentanyl”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 3, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY,

knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a Palmetto State Armory, model PA-15, 5.56 caliber semi-automatic rifle, bearing serial number SCD303838, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 3, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY

knowingly and intentionally distributed a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (“fentanyl”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 16, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY

knowingly and intentionally distributed a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide (“fentanyl”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 22, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY

knowingly and intentionally distributed a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide (“fentanyl”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 10, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY

knowingly and intentionally distributed a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (“fentanyl”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 14, 2022, in Feasterville, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY,

knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, an Israel Military Industries, model Uzi-B, 9mm semi-automatic rifle, bearing serial number SA60357, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 14, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS KIRBY

knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (“fentanyl”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

NOTICE OF FORFEITURE 1

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 922(a)(1)(A) and 922(g)(1), set forth in this indictment, defendant

NICHOLAS KIRBY

shall forfeit to the United States of America all firearms and ammunition involved in the commission of such offenses, including, but not limited to:

- a) an Anderson Manufacturing, model AM-15, 5.56 caliber semi-automatic rifle, bearing serial number 19241889;
- b) an Anderson Manufacturing, model AM-15, 5.56 caliber semi-automatic rifle, bearing serial number 16252638;
- c) a Palmetto State Armory, model PA-15, 5.56 caliber semi-automatic rifle, bearing serial number SCD305580;
- d) a Palmetto State Armory, model PA-15, 5.56 caliber semi-automatic rifle, bearing serial number SCD303838; and
- e) an Israel Military Industries, model Uzi-B, 9mm semi-automatic rifle, bearing serial number SA60357.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

NOTICE OF FORFEITURE 2

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1), defendant

NICHOLAS KIRBY

shall forfeit to the United States of America:

a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses; and

b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

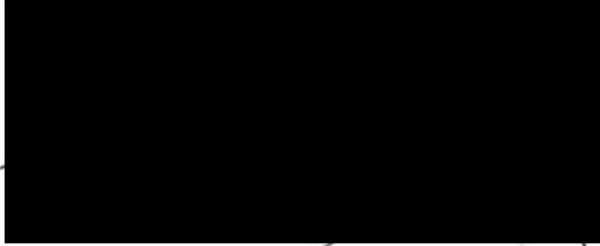
2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

TRUE BILL:



A handwritten signature in black ink, appearing to read 'JCR', written over a horizontal line.

JACQUELINE C. ROMERO
United States Attorney

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

NICHOLAS KIRBY

INDICTMENT

18 U.S.C. § 922(a)(1)(A) (dealing in firearms without a license B 1 count)
18 U.S.C. § 922(g)(1) (possession of a firearm by a felon – 4 counts)
21 U.S.C. § 841(a)(1), (b)(1)(C)(distribution of Fentanyl – 5 counts)
21 U.S.C. § 841(a)(1), (b)(1)(C)(possession with intent to distribute Fentanyl – 1 count)
Notices of forfeiture



Filed in open court this _____ day,
Of _____ A.D. 20____

Clerk

Bail, \$ _____